

REMARKS

Claims 1-28 remain pending in this application. Claim 28 has been amended. The Office action has been reviewed in conjunction with the claims and the applied prior art. Further reconsideration is requested in view of the following.

In reply Applicant's response, the previous rejection of claim 28 as being anticipated by Hase et al., U.S. Patent No. 5,099,134 ("Hase") under 35 U.S.C. § 102(b), has been withdrawn. However, claim 28 now has been incorporated with the obviousness rejection of claims 1-27.

The rejection of claims 1-28 under 35 U.S.C. § 103 as being obvious over Soluri et al., discussed at page 3 of the present application, in view of Hase, is respectfully traversed on the ground that the Office action has failed to establish a *prima facie* case of unpatentability with respect to these claims. In particular, each of the independent claims requires that at least a portion of the surfaces of the sheets forming the collimation grid be coated with an optically reflective material.

Neither Soluri nor Hase disclose such a collimator device or building block for a collimator device. Contrary to the assertion in the Office action, Soluri fails to disclose coating at least a portion of a surface of a sheet forming a collimation grid with an optically reflective material. Instead, Soluri discloses in Figs. 2-4 coating the lateral surface faces 23 of each individual crystal with a layer 24 of reflecting material. For this reason alone, the rejection of claims 1-28 is improper on its face and thus should be withdrawn.

In addition, Applicants reiterate their traversal of the rejection on the grounds that one of ordinary skill in the art would not have been motivated by Hase to have modified the Soluri miniaturized scintigraphic device as proposed by the Office action. In particular, while Hase does state at col. 4, ll. 64-68 that the same principles disclosed for the fan beam collimator can be used for a parallel beam collimator, it remains the case that Hase does not teach, disclose or otherwise suggest the use of the disclosed collimator with a device such as disclosed by Soluri, wherein individual crystals 20 are placed between septa. As previously explained, Hase teaches the requirement of a box frame 13 as shown in Fig. 5, with walls 9 and transparent bottom frame element 12.


Therefore, the collimator of Hase is intended to be used with a conventional scintillation crystal slab.

For this reason those skilled in the art would not have been motivated by Hase to attempt to modify the Soluri miniaturized scintigraphic device as alleged. The statement by Hase that an objection of his invention was to improve the manufacturing yield of a collimator does not provide the requisite suggestion in the art to modify Soluri, as this statement is referenced to the yield of a conventional mass-produced collimator, and not to the specialized device disclosed by Soluri. It is axiomatic that a prior art reference must be considered as a whole for what it discloses, and thus it is improper to take individual statements such as the quoted statement out of the context of the prior art reference as a whole. When Hase is considered as a whole for what it fairly suggests to those of ordinary skill in the art, it is apparent that there exists no suggestion to modify a device as disclosed by Soluri. Consequently, the only suggestion for combining Hase with Soluri comes from the present application.

Conclusion

Claims 1-28 are respectfully submitted to be directed to a novel collimator device, and scintigraphic device including such collimator, which is not taught or suggested by the prior art of record. Accordingly, favorable reconsideration of this application and the issuance of a Notice of Allowance is earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,			
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